

Renewed filed 9/1/09  
and supplemented on 9/2/09  
by EFS-Web.

# 12

09-01-09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl No.: 09/107,072  
Applicant: Wu, Tzong-Ming et al.  
Filing Date: June 29, 1998  
Art Unit: 3627  
Examiner: Cliff Vaterlaus  
Attorney Docket No.: 18506-226

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

Dear Petitions Examiner:

Petitioner hereby submits a Renewed Petition in response to Decision on Petition dated July 01, 2009.

No extension of time is believed necessary. If, however, an extension of time is required for the filing of this paper, an extension is requested. If any necessary fee is not submitted via the EFS, the Office is authorized to charge the necessary fee to Deposit Account No. 50-3856.

The Decision letter indicated insufficiency of evidence to show unintentional delay for periods (1) and (2). The Petitioner hereby submits additional evidence in support of unintentional delay for periods (1) and (2).

Declarations are from responsible persons having firsthand knowledge of the circumstances surrounding this application.

**Declarations Attached**

Declaration of Pei Chun Hsu (Representative of Assignee, ITRI)

Declaration of Daisy Wang (The law firm of Lee & Li)

Declaration of Bo-Sen Von (The law firm of Lee & Li)

Declaration of Po-Chih Lin (The law firm of Lee & Li)

Declaration of Eugene Su (The law firm of Lee & Li)

Declaration of Serena Lin (The law firm of Lee & Li)

Declaration of Belinda Yen (The law firm of Lee & Li)

Declaration of Shumei Chang (The law firm of Lee & Li)

Declaration of Anthony King (The law firm of WPAT, P.C.)

**Summary of Events**

**Late 1999 to early 2000:** As evidenced, the law firm of Lee & Li and the Law firm of Liauh and Associates were preparing to timely submit a response to the Office Action.

**In 2005 and 2007:** As evidenced, the law firm of Lee & Li sought status update of this application from Mr. Liauh.

**In 2005 and 2007:** As evidenced, the Petitioner was not aware of the abandonment status.

**In 2008:** As evidenced, the law firm of Lee & Li sought assistance from another U.S. patent law firm (Mr. Anthony King of WPAT, P.C.) to retrieve status update of this application.

**September, 2008:** The law firm of Lee & Li first became aware of the abandonment status.

**November, 2008:** The law firm of Lee & Li instructed Mr. King to prepare Petition to Revive and Request for Continued Examination.

**January, 2009:** Petition to Revive and Request for Continued Examination filed. —

**As for period (1):**

The enclosed signed Declarations support that the delay in reply that originally resulted in the abandonment was unintentional.

Specifically, signed Declarations and copies of correspondence between the Petitioner's legal representative in Taiwan (the Law Offices of Lee & Li) and the Petitioner's U.S. patent attorney (Mr. W. Wayne Liauh of Law Office of Liauh and Associates) show that a reply was prepared to be submitted to the USPTO.

The evidence show that legal analysis was performed, prior art was reviewed, and instruction was given to the U.S. patent attorney by the Law Offices of Lee & Li. The U.S. patent attorney (Mr. W. Wayne Liauh) also confirmed receipt of the instruction to submit the reply.

There is no evidence of any intent from any party to delay in replying to the outstanding Office Action.

**As for period (2):**

The enclosed signed Declarations support that the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application was unintentional.

Declarations submitted herein are from responsible persons having firsthand knowledge of the circumstances surrounding this delay in filing the Petition to Revive.

Specifically, signed Declarations and copies of correspondence between personnel within the Law Offices of Lee & Li, show that the Petitioner and its legal representative in Taiwan was not aware of the abandonment. Further, the Declaration and other evidence show that the Petitioner and its legal representative in Taiwan acted, reasonably, as if the application was still pending for all these years.

Also, signed Declarations show that the Petitioner's legal representative in Taiwan first became aware of the abandonment on September 17, 2008.

Evidence also shows that the Petitioner acted promptly after becoming aware of the abandonment. Hence, there was not a protracted delay in filing the Petition to Revive.

Evidence also shows how the delay in discovering the abandoned status of the application occurred despite the exercise of the due care or diligence on the part of the Petitioner.

There is no evidence of any intent from any party to delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application.

**Absence of Statements from the Law Office of Liauh & Associates**

The Decision Letter requests statements from Mr. Liauh and responsible persons from the Law Office of Liauh & Associates.

The Petitioner submits that Mr. Liauh and his Law Office cannot be reached for statements and Declarations. The Petitioner further submits that there is no indication (even now) that Mr. Liauh intended to abandon or cause delay relating to this application. In fact, every time Mr. Liauh was reached by phone, he commented that he will reply back to us once he is back in his office.

**Conclusion**

In all, the Petitioner submits that the entire delay was unintentional and unavoidable.

Respectfully submitted,  
WPAT, P.C.

By /Anthony S. King/  
Anthony S. King  
Registration No. 49,063  
September 1, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl No.: 09/107,072  
Applicant: Wu, Tzong-Ming et al.  
Filing Date: June 29, 1998  
Art Unit: 3627  
Examiner: Cliff Vaterlaus  
Attorney Docket No.: 18506-226

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION FOR**

**PETITION TO REVIVE BASED ON UNINTENTIONAL DELAY**

**under 37 C.F.R. § 1.137(b)**

**STATEMENT OF UNINTENTIONAL DELAY**

I, Anthony S. King, the applicant's newly assigned U.S. prosecuting attorney, through firsthand knowledge, hereby declare the following:

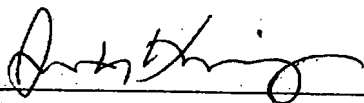
1. Mr. Po-Chih Lin of the law firm of Lee & Li (the applicant's patent prosecution firm in Taiwan) contacted me in September of 2008, asking me to check the status of the above-captioned application which was filed by another U.S. patent attorney.
2. I asked my legal secretary, Ms. Elaine Hong, to find the status of the above-captioned application. Ms. Hong told me she attempted to call Mr. Liauh, the attorney of record, but no one answered her calls.
3. I also tried to call Mr. Liauh in late 2008, but was unable to reach him after at least four phone calls. During one of the phone calls, a man answered the call with a "hello," and I asked for "Mr. Wayne Liauh." The man said that he is Wayne Liauh. When I inquired about this application, he did not answer but indicated that he will have to call

me back. I tried to call Mr. Liauh at least twice after this phone call, and he did not answer each time I called.

4. At my instruction, Ms. Hong checked Mr. Liauh's Hawaiian bar status, and I saw it on Ms. Hong's computer screen. Mr. Liauh's Hawaiian bar status was shown as "active."
5. During my brief telephone conversation with Mr. Liauh, Mr. Liauh did not indicate the intent to abandon this application. Mr. Liauh also did not express the intent to abandon his practice.
6. On November 18, 2008, Mr. Lin instructed me to file a Petition to Revive.
7. On December 21, 2008, Mr. Lin provided me with comments regarding a response to the outstanding Final Office Action.
8. During the January of 2009, I drafted a Request for Continued Examination based on Mr. Lin's comments and instruction for claim amendment.
9. The Power of Attorney on the current application was successful transferred to me on January 14, 2009.
10. On January 14, 2009, I submitted the Request for Continued Examination along with the Petition to Revive, and advised Mr. Lin that the Patent Office might ask for more evidence, but that we should submit what we have and see.
11. After we received the Petition Decision letter dated July 1, 2009, we forwarded a copy to Mr. Lin.
12. On July 7, 2009, I emailed Mr. Lin and advised him on what additional evidence to gather, and gave examples of helpful evidence.
13. On July 18, 2009, I checked with Mr. Lin and he indicated that they are in the process of gathering additional evidence.
14. On August 14, 2009, I received additional evidence by e-mail from Mr. Lin.

15. It is through my firsthand knowledge that there has been no delay in submitting the Petition to Revive since the time we discovered the status of this application. I took reasonable time to investigate the status of the case, to contact the attorney of record, to inform the applicant's representative in Taiwan, and to draft and submit needed Office Action response and Petition. Once we received the notice from the Patent Office regarding insufficiency of the evidence, we took reasonable time to inform the applicant's representative in Taiwan, to advise them about needed evidence, to draft appropriate Declarations base on facts gathered by the applicant's representative in Taiwan, and to have all Declarations signed and submitted to the Patent Office.
16. During my representation of this application, no one I communicated with indicated the intent to abandon this application.
17. During my representation of this client, I exercised due diligence in finding the status of this application. I did not intentionally delay the submission of any required papers to the USPTO for continued prosecution and/or revival of this application.
18. I hereby state that the delay (since discovering the status of abandonment) in filing the Petition and the required response to the Final Office Action was unintentional.

I hereby declare that all statements made herein are true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Anthony S. King, Esq.

Date: Sept. 01, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**STATEMENT OF UNINTENTIONAL DELAY**

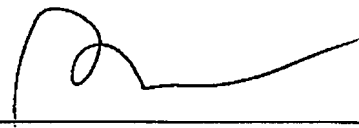
I, Bo-Sen Von, hereby declare the following:

1. I am a partner at the Law Firm of Lee & Li located in Taiwan, handling patent related matters.
2. The assignee of this application is a major client of ours, and we handle many cases for this client, for applications filed in various different countries. The contact person for this client is Ms. Pei Chun Hsu.
3. On October 19, 2005 in response to Ms. Hsu's status inquiry (dated Oct 3, 2005, please see Exhibit E) on all of their pending applications, I e-mailed a status report (see Exhibit F) on all pending application to Ms. Hsu.
4. In the regular course of business, we produce status reports of foreign applications base on information provided to us by our foreign associates.



5. Exhibit J shows the status of the current application as "pending." Mr. Liauh had not informed me of the abandoned status. I had not learned of the abandoned status from anywhere. At the time I believed the application was still pending.
6. I did not know this application was abandoned until September of 2008. I was very surprised of this status.

I hereby declare that all statements made herein are true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



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Bo-Sen Von

Date: August 28, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant: Wu, Tzong-Ming et al.  
Filing Date: June 29, 1998  
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**DECLARATION FOR**

**PETITION TO REVIVE BASED ON UNINTENTIONAL DELAY**

**under 37 C.F.R. § 1.137(b)**

**STATEMENT OF UNINTENTIONAL DELAY**

I, Eugene Su, hereby declare the following:

1. I am employed at the Law Firm of Lee & Li, handling patent related matters.
2. In 2000, Mr. Vincent Wang worked at the patent department of Lee and Li. Mr. Wang was in charge of handling this application, and I was supervised by Mr. Wang. Mr. Wang is no longer with the law firm of Lee & Li.
3. Mr. W. Wayne Liauh and his associated law firm, Law Office of Liauh & Associates in Honolulu, Hawaii, was one of many foreign associates that we use when the assignee of this patent application (Industrial Technology Research Institute) files patent applications in the USA. We did not have much contact with Mr. W. Wayne Liauh and his associated law firm before we started filing patent applications for Industrial Technology Research Institute.

4. In the regular course of business, we depend on our foreign associates (in this case, the foreign associate is Mr. Liauh and the Law Office of Liauh & Associates in Honolulu, Hawaii) to inform us when status changes on an application. We provide instructions to our foreign associates with respect to replying to Patent Offices, when replies are necessary. We also depend on our foreign associates to submit such replies to the Patent Office.
5. It is customary that we depend on our foreign associates to keep each application alive, and to inform us whenever status of an application changes.
6. The attached **Exhibit A** is a letter from Mr. Liauh, found in our record, dated November 28, 1999, informing our staff Ms. Catherine L. Chang regarding a recently received Final Office Action (Office Action dated November 10, 1999).
7. The attached **Exhibit B** is a copy of Mr. Vincent Wang's fax to Mr. Liauh, found in our record, dated January 15, 2000, regarding a reply to the Final Office Action.
8. The attached **Exhibit C** is a copy of Mr. Vincent Wang's instructions to Mr. Liauh, found in our record, dated May 8, 2000, on what to reply to the Final Office Action.
9. The attached **Exhibit D** is a copy of the confirmation e-mail from Mr. Liauh, dated May 9, 2000, found in our record, confirming receipt of Mr. Vincent Wang's instructions for Mr. Liauh to reply to the Final Office Action.
10. I am not aware of any status update from Mr. Liauh on this application since May 9, 2000.
11. Throughout our representation of this client, no one I communicated with indicated any intent to abandon this application.
12. I did not intentionally delay the submission of any required papers to the USPTO for continued prosecution and/or revival of this application.

I hereby declare that all statements made herein are true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Eugene Su  
Eugene Su

Date: 31 August 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**DECLARATION FOR**

**PETITION TO REVIVE BASED ON UNINTENTIONAL DELAY**

**under 37 C.F.R. § 1.137(b)**

**STATEMENT OF UNINTENTIONAL DELAY**

I, Po-Chih Lin, hereby declare the following:

1. I am employed at the Law Firm of Lee & Li located in Taiwan, handling patent related matters. I am currently a coordinator, coordinating between our clients and our foreign associates.
2. The assignee of this application is a major client of ours, and we handle many cases for this client, for applications filed in various different countries. The contact person for this client is Ms. Pei Chun Hsu.
3. On November 8, 2007, in response to Ms. Hsu's status inquiry on all of their pending applications, I e-mailed a status report on all pending application to Ms. Hsu. Please refer to Exhibit G (the e-mail), and Exhibit H (the status report that was attached to the e-mail).
4. We regularly produce status reports based on information provided to us by our foreign associates.

5. Exhibit H shows status of the current application as "pending." Mr. Liauh had not informed me of the abandoned status. I had not learned of the abandoned status from anywhere. At the time I believed the application was still pending.
6. On September 10, 2008, I sent an e-mail to Mr. King of the law firm of WPAT, P.C. in United States, asking for assistance in this matter.
7. On September 17, 2008, we learned from Alaine Hong of WPAT, P.C. that the application was abandoned on June 30, 2000. Immediately, based on the applicant's instruction, we proceed to revive the application.
8. I did not know this application was abandoned until September of 2008. I was very surprised of this status.
9. Throughout our representation of this client, no one I communicated with indicated an intent to abandon this application.
10. I did not intentionally delay the submission of any required papers to the USPTO for continued prosecution and/or revival of this application.

I hereby declare that all statements made herein are true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Po-Chih Lin

Po-Chih Lin

Date: August 21, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl No.: 09/107,072  
Applicant: Wu, Tzong-Ming et al.  
Filing Date: June 29, 1998  
Art Unit: 3627  
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**DECLARATION FOR**

**PETITION TO REVIVE BASED ON UNINTENTIONAL DELAY**

**under 37 C.F.R. § 1.137(b)**

**STATEMENT OF UNINTENTIONAL DELAY**

I, Pei Chun Hsu, hereby declare the following:

1. I am employed at the Patent Information and Management department in the Technology Transfer office of the Industrial Technology Research Instituted (ITRI) of Taiwan.
2. I represent ITRI as the contact person to communicate with the Taiwanese law firm of Lee & Li regarding our patent applications. We have many cases (domestic and foreign) handled by the law firm of Lee & Li.
3. On October 3, 2005 (see Exhibit E), I e-mailed Mr. Bo-Sen Von at Lee & Li, inquiring the status of our cases, including the above-captioned application. Mr. Von replied on October 19, 2005 with a status report (please see Exhibit F), of which indicated that the above-captioned application was pending.
4. An English translation of my October 3, 2005 e-mail inquiry is provided here as Appendix I. I attest the accuracy of this translation.

5. On October 17, 2007 (see Exhibit G), I e-mailed Mr. Po-Chih Lin at Lee & Li, inquiring the status of our cases, including the above-captioned application. Mr. Lin replied on November 8, 2007 with a status report (please see Exhibit H), of which indicated that the above-captioned application was pending.
6. An English translation of my October 17, 2007 e-mail inquiry is provided here as **Appendix II**. I attest the accuracy of this translation.
7. In the regular course of business, we depended on Lee & Li to inform us of status changes in our pending applications, including the above-captioned application.
8. In the regular course of business, we do not directly contact the U.S. patent attorneys that handle our U.S. patent applications. We depend on Lee & Li to communicate with these U.S. patent attorneys.
9. I was not able to reach Mr. Liauh, and Mr. Liauh had not informed me of the abandoned status all these years. I had not learned of the abandoned status from anywhere. Up until September of 2008, I had believed the application was still pending.
10. I did not know this application was abandoned until September of 2008. I was very surprised of this status.
11. From November 1999 until now, I have never intended to abandon this application.
12. I did not intentionally delay the submission of any required papers to the USPTO for continued prosecution and/or revival of this application.

I hereby declare that all statements made herein are true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Pei Chun Hsu  
Pei Chun Hsu

Date: Aug 31, 2009



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**DECLARATION FOR  
PETITION TO REVIVE BASED ON UNINTENTIONAL DELAY  
under 37 C.F.R. § 1.137(b)  
STATEMENT OF UNINTENTIONAL DELAY**

I, Serena Lin, hereby declare the following:

1. I am employed at the Law Firm of Lee & Li located in Taiwan, handling patent related matters.
2. Mr. W. Wayne Liauh and his associated law firm, Law Office of Liauh & Associates in Honolulu, Hawaii, was one of many foreign associates that we use when the assignee of this patent application (Industrial Technology Research Institute) files patent applications in the USA. We did not have much contact with Mr. W. Wayne Liauh and his associated law firm before we started filing patent applications for Industrial Technology Research Institute.
3. In the regular course of business, we depend on our foreign associates (in this case, the foreign associate is Mr. Liauh and the Law Office of Liauh & Associates in Honolulu, Hawaii) to inform us when status changes on an application. We provide instructions to

our foreign associates with respect to replying to patent offices, when replies are necessary. We also depend on our foreign associates to submit such replies to the patent office.

4. It is customary that we depend on our foreign associates to keep each application alive, and to inform us whenever status of an application changes.
5. In October of 2007, my colleague, Mr. Po-Chih Lin asked that I prepare a Status Report for our client, Industrial Technology Research Institute.
6. In October of 2007, I prepared a Status Report (please see **Exhibit H**) for Industrial Technology Research Institute based on status information I found in our record for this patent application we handled for Industrial Technology Research Institute.
7. In the regular course of business, unless we receive opposite Status Reports from our foreign associates, we believe the applications are still kept alive. Therefore, the October 2007 Status Report indicated that the above-captioned application was still pending.
8. In October of 2007, I discovered, while preparing the Status Report and from reviewing our record, that Mr. Liauh had not given us any status update on the above-captioned application since 2000.
9. In November of 2007, I sent a fax to Mr. Liauh, requesting status update on the above-captioned application. This fax did not go through successfully. At the time, I suspected an error in the fax number.
10. **Exhibit K** is a copy of e-mail record relating to the above-captioned application.
11. I was actively involved in e-mail exchanges (as shown in **Exhibit K**) relating to the above-captioned application. My initials are "SER" in this e-mail record.
12. As shown in **Exhibit K**, on November 02, 2007 (2:34 PM), my colleague, Ms. Belinda Yen of Knowledge Management Department (initials "YYT") after conducting internet searches on Mr. Liauh, wrote me and indicated that she could not find the fax or mail of

Mr. Liauh's law firm. She indicated that she found Mr. Liauh's e-mail address (LiauhW001@Hawaii.rr.com).

13. As shown in **Exhibit K**, on November 02, 2007 (2:42 PM), I replied to Ms. Yen and told her that I already tried that e-mail address, and it could not be delivered. I told her my guess was that the e-mail account was closed. In the same reply I also pasted a message from the e-mail server indicating that Mr. Liauh's e-mail address was in error.
14. As shown in **Exhibit K**, on November 02, 2007 (15:00), Ms. Belinda Yen wrote me and indicated that she found a different phone number for Mr. Liauh.
15. On November 6, 2007, I called Ms. Hsu of the Industrial Technology Research Institute and reported that I cannot find any status information from the USPTO website because this application is not available on Public PAIRS. I asked Ms. Hsu if she had Mr. Liauh's updated contact information. Ms. Hsu answered that they had not received Mr. Liauh's reports for their other patent matters either. Ms. Hsu asked us to provide her with Mr. Liauh's updated contact information once we learned that.
16. As shown in the upper right hand corner of **Exhibit K**, it is my handwritten notes in the record, the rough translation of my notes is:

"11/8 , 10:30 Called Mr. Liauh and asked him to quickly provide us case status, updated e-mail address, and fax number. He said he was not in the office, and will need some time to reply back to me."
17. **Exhibit L** is a copy of e-mail record relating to the above-captioned application.
18. I was actively involved in e-mail exchanges (as shown in **Exhibit L**) relating to the above-captioned application. My initials are "SER" in this e-mail record.
19. As shown in **Exhibit L**, on May 27, 2008 (14:41), I replied to my colleague Amy Chang and told her that "we are trying to contact the US attorney who has not updated us the status of the application since 2000..." Soon after that, I asked another colleague, Shumei Chang, to assist in checking the status of the above-captioned application. At

16:30, Shumei Chang called Mr. Liauh, and Mr. Liauh answered that he would call us back soon. He did not call us back, however.

20. At the time of both e-mail exchanges (November 2007, **Exhibit K**; and May 2008, **Exhibit L**), no one I communicated with indicated an intent to abandon this application.
21. At the time of both e-mail exchanges (November 2007, **Exhibit K**; and May 2008, **Exhibit L**), I exercised due diligence in finding the status of this application from Mr. Liauh. I did not intentionally delay the submission of any required papers to the USPTO for continued prosecution and/or revival of this application.

I hereby declare that all statements made herein are true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Serena Lin

Serena Lin

Date: Aug. 31, 2009

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under 37 C.F.R. § 1.137(b)  
STATEMENT OF UNINTENTIONAL DELAY

I, Shumei Chang, hereby declare the following:

1. I am employed at the Law Firm of Lee & Li located in Taiwan, handling patent related matters.
2. Exhibit L is a copy of e-mail record relating to the above-captioned application.
3. I am familiar with the e-mail exchanges (as shown in Exhibit L) relating to the above-captioned application. My initials are "XAN" in this e-mail record.
4. According to the request of my colleague, Ms. Serena Lin, I called Mr. Liauh at 16:30 of May 27, 2008, in response to status inquiry from Kelly Liao of Industrial Technology Research Institute (please see Exhibit L). In addition, I called Mr. Liauh many times and he was very difficult to find. I was able to reach him once by phone and he answered that he would call us back soon. He did not call us back, however.

5. At the time of the e-mail exchanges (May 2008, Exhibit L), no one I communicated with indicated an intent to abandon this application.
6. At the time of the e-mail exchanges (May 2008, Exhibit L), I exercised due diligence in finding the status of this application from Mr. Liauh. I did not intentionally delay the submission of any required papers to the USPTO for continued prosecution and/or revival of this application.

I hereby declare that all statements made herein are true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
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Shumei Chang

Date: 08/21/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**DECLARATION FOR  
PETITION TO REVIVE BASED ON UNINTENTIONAL DELAY  
under 37 C.F.R. § 1.137(b)**

**STATEMENT OF UNINTENTIONAL DELAY**

I, Belinda Yen, hereby declare the following:

1. I am employed at the Law Firm of Lee & Li located in Taiwan, handling Knowledge Management related matters.
2. **Exhibit K** is a copy of e-mail record relating to the above-captioned application.
3. According to the request of my colleague, Ms. Serena Lin, I was actively involved in e-mail exchanges (as shown in **Exhibit K**) relating to the above-captioned application. My initials are "YYT" in this e-mail record.
4. As shown in **Exhibit K**, on November 02, 2007 (2:34 PM), I wrote Serena Lin (with initials "SER") and indicated that I could not find the fax or e-mail information of Mr. Liauh's law firm. I was able to find Mr. Liauh's e-mail address to be (LiauhW001@Hawaii.rr.com).

5. As shown in **Exhibit K**, on November 02, 2007 (2:42 PM), Serena Lin (SER) wrote me and told me that she already tried that e-mail address, and e-mail to that address could not be delivered.
6. As shown in **Exhibit K**, I conducted additional research on Mr. Liauh's contact information and found a phone number. On November 02, 2007 (15:00), I wrote Serena Lin (SER) and told her that I found a different phone number for Mr. Liauh.
7. At the time of the e-mail exchanges (November 2007 **Exhibit K**), no one I communicated with indicated an intent to abandon this application.
8. I did not intentionally delay the submission of any required papers to the USPTO for continued prosecution and/or revival of this application.

I hereby declare that all statements made herein are true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Belinda Yen

Belinda Yen

Date: Aug. 31, 2009



# EXHIBIT A

<b>Appl No.:</b>	<b>09/107,072</b>
<b>Applicant:</b>	<b>Wu, Tzong-Ming et al.</b>
<b>Attorney Docket No.:</b>	<b>18506-226</b>

LAW OFFICE OF LIAUH AND ASSOCIATES

4224 WAIALAE AVENUE, SUITE 5-388  
HONOLULU, HI 96816  
Tel: (808) 739-2978  
Fax: (808) 735-2978

DEC 06 1999

023981

TEXAS OFFICE:  
THE MATTHEWS LAW FIRM  
1900 West Loop South, Suite 1800  
Houston, Texas 77027  
Tel: (713) 355-4200  
Fax: (713) 355-9689

Date: November 28, 1999

LEE AND LI ATTORNEYS-AT-LAW  
7<sup>th</sup> Floor, 201 Tun Hua N. Road  
Taipei 105 TAIWAN

011-886-22-713-3966

Attn.: Catherine L. Chang  
Chief, Accounting Dept.

Your ref.: LEE&LI-US-1735-SER ; "MECHANICALLY ACTUATED AIR TIGHT DEVICE FOR  
WAFER CARRIER (as amended)"; Filed: 06/29/98  
Our ref.: LE9802IT

Dear Sir:

Enclosed please find a copy of the FINAL Office Action (09/107,072, dated: 11/10/99) from U.S. Patent and Trademark Office for the above referenced case.

Claims 5-8 are rejected under 35 U.S.C. §103(a) as being unpatentable further in view of the newly discovered prior art of Neumann et al.

To avoid paying statutory extension fees, we must submit a response by 11/10/99 + two month. Please note that it requires at least one month for our office to prepare a response and submit the same to the Patent Office. To expedite the process, please provide us with your instructions via fax to the above listed number by As Soon As Possible.

If you have any questions or would like us to provide more detailed comments, please do not hesitate to contact us.

With best regards,

*Pei-Jan Baysdel*  
Pei-Jan Baysdel

fox 031 5820467  
李楚中

LE9802IT : LEE&LI-US-1735-SER : 09/107,072



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/107,072 06/29/98 WU

T LE9802IT

W WAYNE LIAUH PH.D J.D.  
LAW OFFICE OF LIAUH & ASSOC  
4224 WAIALAE AVE  
SUITE 5-388  
HONOLULU HI 91816

PM82/1110

EXAMINER

VATERLAUS, C

ART UNIT

PAPER NUMBER

3627

DATE MAILED:

11/10/99

AIR MAIL

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**Application No.  
**09/107,072**

Applicant(s)

**Wu et al.**Examiner  
**Clifford B. Vaterlaus**Group Art Unit  
**3627**☒ Responsive to communication(s) filed on Aug 24, 1999☒ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**☒ Claim(s) 1-8 is/are pending in the application.Of the above, claim(s) 1-4 is/are withdrawn from consideration.☐ Claim(s) \_\_\_\_\_ is/are allowed.☒ Claim(s) 5-8 is/are rejected.☐ Claim(s) \_\_\_\_\_ is/are objected to.☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.☒ The proposed drawing correction, filed on Aug 24, 1999 is ☒ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3627

## DETAILED ACTION

### *Claim Objections*

1. The numbering of claims is not accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-4 in the amendment submitted 8/24/99 have been renumbered 5-8 respectively. Original claims 1-4 are presumed to be replaced by claims 5-8, thus claims 1-4 have been withdrawn from consideration and should be canceled. Applicant should refer to the claims as renumbered (1-8) in future correspondence.

2. Claim 5 is objected to because of the following informalities: line 5, before "wedged" insert --a--; line 15 after "plate" insert --to--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3627

4. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5-8 recite a cover, linked plate, driving wheel and bottom each with a first face and a second face. The claims must be clear which element is referred to when reciting a first face or second face to avoid confusion. For example:

Claim 5, lines 7-8, after "second face" insert --of the linked plate--;

Claim 5, line 8, after "first face" insert --of the linked plate--;

Claim 5, line 13, after "first face" insert --of the driving wheel--;

Claim 6, line 3, after "first face" insert --of the bottom--;

✓ 5. Claim 5 recites the limitation "the wedged ramp of the second face of the linked plate" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim (replace "the second face of the linked plate" with --base--).

6. Claim 8 recites the limitation "the second face of the sealing gasket" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3627

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat.

No. 5,743,424 to Murata et al. in view of U.S. Pat. No. 1,273,625 to Lane and U.S. Pat. No. 5,599,028 to Neumann et al.

Murata discloses a mechanically actuated airtight device comprising a cover (9A) with at least one hole (35) therethrough, a sealing gasket (40) with a base (44) forming a through opening. Murata discloses a linked plate (22) and a driving wheel (21). Murata discloses a bottom (9B) under the driving wheel and engaged with the cover. The Gasket has a rim (41) in the first face.

Murata does not disclose a protuberance on the link plate and a guiding groove on the driving wheel, rather Murata discloses the protuberance (25) on the driving wheel and the groove (22) on the link plate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the location of the protuberance and guiding groove, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Murata does not disclose a wedged ramp on the base of the gasket and a wedged ramp on the linked plate, the wedged ramps mating with equal slopes. However, wedged ramps on the base of gaskets are well known as taught by Neumann. Furthermore, Lane discloses mating wedged ramps (5, 7) with equal slopes (see fig. 3) for solving the problem of converting

Art Unit: 3627

horizontal movement to vertical movement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a seal having a base in a form of a wedged ramp as taught by Neumann and wedged ramps with mating equal slopes as taught by Lane with the device of Murata, to convert the horizontal motion of the linked plate into vertical motion. The use of wedged ramps as disclosed by Lane is a well known method of converting horizontal motion into vertical motion. Murata discloses that optional methods for converting horizontal motion to vertical motion can be used (col. 7, lines 33-36).

Regarding claim 8, the wedged ramp disclosed by Neumann is made of elastomeric material.

#### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



Art Unit: 3627

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Response to Arguments*

10. Applicant's arguments filed 8/24/99 have been fully considered but they are not persuasive.

In response to Applicant's piecemeal analysis of the references, it has been held that one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references. *In re Keller*, 208 USPQ 871 (CCPA 1981).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cliff Vaterlaus whose telephone number is (703)306-9177. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BethAnne Dayoan, can be reached at (703) 308-3865.

Submission of your response by facsimile transmission is encouraged. Group 3620's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01.

Art Unit: 3627

In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission.

Responses requiring a fee which applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on \_\_\_\_\_ (Date) \_\_\_\_\_

\_\_\_\_\_  
(Typed or printed name of person signing this certificate)

\_\_\_\_\_  
(Signature)


If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Art Unit: 3627

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be directed to [bethanne.dayoan@uspto.gov](mailto:bethanne.dayoan@uspto.gov).

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at (703) 308-2168.

  
Darrell M. Boucher  
Primary Examiner

Cliff Vaterlaus

October 28, 1999

**Notice of References Cited**Application No.  
09/107,072

Applicant(s)

Wu et al.

Examiner

Clifford B. Vaterlaus

Group Art Unit  
3627

Page 1 of 1

**U.S. PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	✓	5,599,028	2/4/87	Neumann et al.	277	199
B		3,630,089	12/28/71	Bissell	73	431
C						
D						
E						
F						
G						
H						
I						
J						
K						
L						
M						

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N							
O							
P							
Q							
R							
S							
T							

**NON-PATENT DOCUMENTS**

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U			
V			
W			
X			

# EXHIBIT B

<b>Appl No.:</b>	<b>09/107,072</b>
<b>Applicant:</b>	<b>Wu, Tzong-Ming et al.</b>
<b>Attorney Docket No.:</b>	<b>18506-226</b>

BANKING, SECURITIES, INSURANCE,  
TRANSNATIONAL CONTRACTS, CORPORATE,  
INVESTMENT, IPR ENFORCEMENT,  
PATENT, TRADEMARK, COPYRIGHT,  
LITIGATION, ARBITRATION,  
GOVERNMENT CONTRACTS AND INFRASTRUCTURE



LEE AND LI  
ATTORNEYS-AT-LAW

E-mail: attorneys@leeandli.com  
TEL: 886-2-27153300  
FACSIMILE: 886-2-2713-3966, 2-2718-4389 (7F)  
886-2-2713-3970, 2-2713-3999 (10F)  
886-2-2718-8497 (PATENT)  
886-2-2718-7099 (TRADEMARK)  
886-2-2514-9841 (BANKING)

15 January 2000

Our Ref: US-1735-FR

Page: 1

**BY FACSIMILE AND AIRMAIL**

**Fax:** 808-735-2978

**To:** Mr. Pei-Jan Baysdell  
Law Office of Liauh and Associates  
4224 Waialae Avenue, Suite 5-388  
Honolulu, HI 96816  
U.S.A.



**From:** Vincent Wang (Coordinator)/C. V. Chen  
**cc:** Mr. Eric Chen/Mr. Eugene Su (Lee and Li)

**Re: Industrial Technology Research Institute**  
**U.S. Pat. Appln. No. 09/107,072**  
**Filed on 29 June 1998**  
**Your Ref: LE9802IT**  
**Our File No. US-1735-FR**

Dear Mr. Baysdell:

We refer to your fax of January 14 on the above subject.

Please be informed that the applicant has decided to effect an amendment of the claims as proposed so as to respond to the final Office Action. However, we are still awaiting the applicant's technical arguments for overcoming the rejection to the "inventive step" of the subject invention in view of the cited U.S. Patent Nos. 5,743,424, 1,273,625 and 5,599,028. We will send you the instructions and arguments as soon as we receive the same. Please keep the captioned application in force, and advise us of the extended deadline by return fax.

Best regards.

... end of message ...

CVC/es/mhf

## EXHIBIT C

(Exhibit C is redacted due to the confidential nature of this attorney work product. A 2-page document entitled "Proposed Argumentation in Response to the Final Office Action" that were originally enclosed to this letter is precluded from Exhibit C)

**Appl No.:** 09/107,072

**Applicant:** Wu, Tzong-Ming et al.

**Attorney Docket No.:** 18506-226

BANKING, SECURITIES, INSURANCE,  
TRANSNATIONAL CONTRACTS, CORPORATE,  
INVESTMENT, IPR ENFORCEMENT,  
PATENT, TRADEMARK, COPYRIGHT,  
LITIGATION, ARBITRATION,  
GOVERNMENT CONTRACTS AND INFRASTRUCTURE



理律法律事務所  
LEE AND LI  
ATTORNEYS-AT-LAW

E-mail: attorneys@leeandli.com  
TEL: 886-2-27153300  
FACSIMILE: • 886-2-2713-3966, 2-2718-4389 (7F)  
• 886-2-2713-3970, 2-2713-3999 (10F)  
• 886-2-2718-8497 (PATENT)  
• 886-2-2718-7099 (TRADEMARK)  
• 886-2-2514-9841 (BANKING)

8 May 2000  
Our Ref: US-1735-FR  
Pages: 2 + 2

**URGENT**

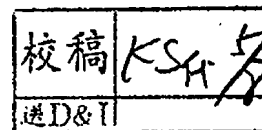
**BY FACSIMILE AND E-MAIL**

E-mail: LiauhW001@Hawaii.rr.com

Fax: 808-735-2978

To: Mr. Pei-Jan Baysdell  
Law Office of Liauh and Associates  
4224 Waialae Avenue, Suite 5-388  
Honolulu, HI 96816  
U.S.A.

**DEADLINE**  
9 May 1999



From: Vincent Wang (Coordinator) / C. V. Chen  
cc: Mr. Eric Chen/Mr. Francis Chou (Lee and Li)

Re: Industrial Technology Research Institute  
U.S. Pat. Appln. No. 09/107,072  
Filed on 29 June 1998  
Your Ref: LE9802IT  
Our File No. US-1735-FR

Dear Mr. Baysdell:

Following our fax dated January 15, we enclose our proposed argumentation for your reference in the preparation of the response to the Final Office Action. As the time limit, May 9, for the response is pressing, we apologize for the late instructions.

As advised in our above fax, we believe that you have been in the process of amending the specification and the claims so as to overcome the objections raised in the Office Action. You may find that the proposed argumentation was made only to the cited prior U.S. Patent Nos. 3,630,089 and 5,599,028 that were new citations and were just raised in the Final Office Action. In our opinion, U.S. Patent Nos. 1,273,625 and 5,743,424 previously cited had been carefully dealt with in the last Office Action (please refer to our letter dated 10 August 1999).

台北市 105 敦化北路 201 號 7 樓  
7th Floor, 201, Tun Hua N. Road, Taipei 105, Taiwan R.O.C.  
Telephone: 02-2715-3300 Fax: 02-2713-3966



- 2 -

To facilitate your preparation of the response, this letter will also be transmitted by e-mail.

Thank you for your assistance.

Best regards.

... end of message ...

CVC/fr/mhf

Encl.

# EXHIBIT D

<b>Appl No.:</b>	<b>09/107,072</b>
<b>Applicant:</b>	<b>Wu, Tzong-Ming et al.</b>
<b>Attorney Docket No.:</b>	<b>18506-226</b>

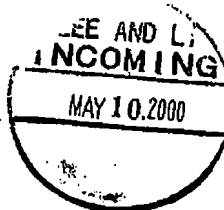
hsf [黄淑芬]

寄件者: W. Wayne Liauh [LiauhW001@Hawaii.rr.com]  
寄件日期: 2000年5月9日星期二 PM 10:45  
收件者: vincentwang [王文盛]  
主旨: Re: us1735a2.doc

Vincent Wang, Esq.

This is to acknowledge receipt of your e-mail and the Word document attached therewith.

RH/VH/502/RR



Because Word documents are notorious for carrying macro virus, which can often escape detections by anti-virus software programs, we strongly suggest that, in order to save our time (and your potential liability for that matter), your attached file be saved as an ASCII or WordPerfect file. The latter is preferred if your document contains formatting such as underlining, italicizing, etc. which needs to be retained.

We apologize for having to mention the above to you as it is our office policy that no Word document can be opened unless it is approved by a network administrator. We are gravely concerned about our own liability should we allow a Trojan-horse type Word macro to enter our system and transmit our confidential client information to unintended parties.

I am sure you have a very tight security policy in place at Lee and Li; however, because the potential liability is so grave, as a precautionary measure, we are sending the same message to everyone from whom we often receive Microsoft Word file(s) as attachment.

Sincerely,

W. Wayne Liauh, Ph.D., J.D.  
Attorney and Counselor at Law  
Honolulu, HI  
Houston, TX

vincentwang [王文盛] wrote:

>  
> <<us1735a2.doc>>  
>  
> Lee and Li, Attorneys-at-Law  
> 7th Floor, 201, Tun Hun N. Road, Taipei 105, Taiwan R.O.C.  
> Tel.: 886-2-2715-3300 Fax: 886-2-2713-3999  
> Email: attorneys@leeandli.com <mailto:attorneys@leeandli.com>  
>

> -----  
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> Name: us1735a2.doc

> us1735a2.doc Type: Microsoft Word Document (application/msword)

> Encoding: base64

vh [王文盛]

寄件者: W. Wayne Liauh [LiauhW001@Hawaii.rr.com]  
寄件日期: 2000年5月9日星期二 PM 10:45  
收件者: vincentwang [王文盛]  
主旨: Re: us1735a2.doc

> -----  
> From: W. Wayne Liauh[SMTP:LIAUHW001@HAWAII.RR.COM]  
> Sent: Tuesday, May 09, 2000 10:45:20 PM  
> To: vincentwang [???]  
> Subject: Re: us1735a2.doc  
> Auto forwarded by a Rule  
>  
Vincent Wang, Esq.

This is to acknowledge receipt of your e-mail and the Word document attached therewith.

Because Word documents are notorious for carrying macro virus, which can often escape detections by anti-virus software programs, we strongly suggest that, in order to save our time (and your potential liability for that matter), your attached file be saved as an ASCII or WordPerfect file. The latter is preferred if your document contains formatting such as underlining, italicizing, etc. which needs to be retained.

純文字檔 (可也)

同前字樣

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I am sure you have a very tight security policy in place at Lee and Li; however, because the potential liability is so grave, as a precautionary measure, we are sending the same message to everyone from whom we often receive Microsoft Word file(s) as attachment.

Sincerely,

W. Wayne Liauh, Ph.D., J.D.  
Attorney and Counselor at Law  
Honolulu, HI  
Houston, TX

vincentwang [王文盛] wrote:

>  
> <<us1735a2.doc>>  
>  
> Lee and Li, Attorneys-at-Law  
> 7th Floor, 201, Tun Hun N. Road, Taipei 105, Taiwan R.O.C.  
> Tel.: 886-2-2715-3300 Fax: 886-2-2713-3999  
> Email: attorneys@leeandli.com <mailto:attorneys@leeandli.com>  
>

-----  
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>

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> Name: us1735a2.doc  
> us1735a2.doc Type: Microsoft Word Document (application/msword)  
> Encoding: base64

# EXHIBIT E

<b>Appl No.:</b>	<b>09/107,072</b>
<b>Applicant:</b>	<b>Wu, Tzong-Ming et al.</b>
<b>Attorney Docket No.:</b>	<b>18506-226</b>

LDA [李春梅]

寄件者: bosenvon [馮博生] [IMCEAEX-\_O=LEEANDLI\_OU=LEEANDLIWAN\_CN=RECIPIENTS\_CN=BOSENVON@leeandli.wan]  
寄件日期: 2005年10月19日星期三 11:45  
收件者: LILISHI1114@ITRI.ORG.TW  
副本: lindalee [李春梅]  
主旨: FW: 有關申請中專利資訊清查事宜  
附件: I00210-20051019.xls

許小姐您好，

謹依指示，提供本所承辦之國外案案件清單（扣除放棄案及年費轉走案）如附，請查收。

若有任何問題，尚請不吝賜示。

崇此 順頌  
時祺

馮博生律師  
理律法律事務所新竹事務所  
新竹科學工業園區工業東二路一號科技生活館五樓  
電話：886-3-5799911 ext. 11  
傳真：886-3-579788  
電子郵件：bosenvon@leeandli.com  
本所案號：I00210/P000

<<I00210-20051019.xls>>

> -----  
> From: lilishi1114@itri.org.tw[SMTP:LILISHI1114@ITRI.ORG.TW]  
> Sent: Monday, October 03, 2005 4:09:46 PM  
> To: lindalee [???]  
> Subject: ??????????????  
> Auto forwarded by a Rule  
>

您好:

本中心目前正進行年度專利盤查，請貴所協助配合檢視並修正附件清單，以維護資訊之正

確性，配合事項如下：

- 1.請確認資訊的正確性，若有更新，煩請更正，倘有不在清單上的案件，也請補上所有資訊。
- 2.有實審制度的國家，煩請提供「提出實審日」及「提出實審期限日」。
- 3.新進申請案件尚未有申請日期及案號通知，除於附件中修正外，請一併寄來書面通知函及證明書稿。
- 4.日後文件往來，請以本院的件編號為主。
- 5.請於10/15日前回應目前狀態，謝謝!

PS：請於收到此份信件時，以傳真回覆收執至（03）5820-467，若有相關問題，歡迎電洽  
(03)591-7705，謝謝!

崇此 敬祝  
商祺  
許珮君敬上

工業技術研究院/技術移轉與加值中心/專利資訊與管理部  
許珮君 分機:17705  
E-MAIL:lilishi1114@itri.org.tw

2009/8/28



---

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---

# EXHIBIT F

(Redacted due to Confidential Nature of the Report, only one page is shown)

**Appl No.:** 09/107,072

**Applicant:** Wu, Tzong-Ming et al.

**Attorney Docket No.:** 18506-226

申請國家	案件編號	中文名稱	發明人	案件status	官方申請日	申請案號	專利種類	事務所	事務所權號
US	044870041US	機構制動式 氣密裝置	吳宗明, 黃 國洲	審查中(核駁 /修正處理)	19980629	09/107,072	發明	理律法律事務所	US-1735
US	134900011US	非侵入性藥 物肝毒性監 測儀器系統 及其用途	孫德鈺	審查中(核駁 /修正處理)	20031006	10/679,741	發明	理律法律事務所	US-4717
US	P11930108US	具有假雜訊 序列之正交 分頻多工系 統	陳益康, 李忠 鵬, 胡偉文,	準備中			發明	理律法律事務所	US-7785
US	P11940019US	用於網際網 路小型電腦 系統介面之 直接記憶體 存取系統	吳正毅, 陳漢 強,	準備中			發明	理律法律事務所	US-8041
US	P11940040US	協定處理硬 體加速及其 訊息擴充之 系統及方法	鍾勝民, 陳益 康, 蔡耀丞, 普國華	準備中			發明	理律法律事務所	US-8284
US	P11940052US			準備中			發明	理律法律事務所	US-8285
US	P11940058US			準備中			發明	理律法律事務所	US-8316
US	13910021US	整合結構性 及功能性透 影之電腦斷 層影像系統	謝清富, 謝育 仁	審查中	20030512	10/435,877	發明	理律法律事務所	US4794
US	P07920036US	電磁訊號感 測系統	葉文烈, 薛 文榮, 黃銘 杰	獲准	20040909	10/936,799	發明	理律法律事務所	US6435
US	P07930004US	可攜式黑體 腔	林佳宏, 陳朝 敏, 許復明, 戴惠美, 柯心 怡, 林復仁, 劉春媛	已申請	2005/10/17		發明	理律法律事務所	US8386
US	P07930033US	皮膚灼傷檢 測系統	陶德和, 劉子 安, 周儒修, 吳勝隆, 潘屏 豪	等優先權經 明文件			發明	理律法律事務所	US7339
US	P13930007US	可攜式氣喘 肺音監測系 統	鄭怡平, 古逸 榮	已申請	20051007		發明	理律法律事務所	US8418
US	P13930023US	連接裝置及 其組合構件	張上嘉	暫停進行			發明	理律法律事務所	US7965

# EXHIBIT G

<b>Appl No.:</b>	<b>09/107,072</b>
<b>Applicant:</b>	<b>Wu, Tzong-Ming et al.</b>
<b>Attorney Docket No.:</b>	<b>18506-226</b>

LDA [李春梅]

寄件者: bzlin [林博智] [bzlin@leeandli.com]

寄件日期: 2007年11月8日星期四 14:48

收件者: lilishil114@itri.org.tw

副本: susanna@itri.org.tw; bosenvon [馮博生]; joannalin [林函覽]; lpj [呂培菁]; serenalin [林幼華]

主旨: RE: 理律\_申請中專利資訊清查

附件: 工研院Status Report-L&amp;L.xls

許小姐雅鑒:

謹遵 貴院指示, 已檢視並修正附件清單, 並以紅色字體更新於文件中。

若有任何問題, 尚請不吝賜示, 謝謝。

此 順頌

時祺

林博智先生(聯絡人)/馮博生律師  
理律法律事務所新竹事務所  
30075新竹科學工業園區工業東二路一號  
科技生活館五樓  
電話: 886-3-5799911分機222  
傳真: 886-3-5780018  
電子郵件: bzlin@leeandli.com  
副本: joannalin@leeandli.com  
本所案號: IO0210/CRM  
<<工研院Status Report-L&L.xls>>

&gt; -----Original Message-----

&gt; From: LBZ [林博智]

&gt; Sent: Wednesday, October 17, 2007 8:18 PM

&gt; To: LHN [林函覽]

&gt; Subject: FW: 理律\_申請中專利資訊清查

&gt;

&gt;

&gt; 林先生您好:

&gt;

&gt; 本中心目前正進行年度專利盤查, 請 貴所協助配合檢視並修正附件清單, 以維護資訊之正確性, 配合事項如下:

&gt; 1.請確認資訊的正確性, 若有更新, 煩請以紅色字體更正於檔案中, 若有其他不在此清單上的案件, 也請補上所有資訊。

&gt; 2.有實審制度之國家, 煩請提供「提出實審日」、「提出實審期限日」。

&gt; 3.新進申請案件尚未有申請日期及案號通知, 除於附件中修正外, 請一併寄來書面通知函及證明書稿。

&gt; 4.為因應美國新法規, 煩請 貴所協助提供美國案所提列之優先權資訊。

&gt; 5.請修正 貴所資料庫之本院編號, 日後文件往來, 請註明正確之本院編號。

&gt; 6.請於11/10前回應目前狀態, 謝謝!

&gt;

&gt; PS: 請於收到此份信件時, 以傳真回覆至(03)5820-467確認收執, 若有相關問題, 歡迎電詢(03)591-7705, 謝謝!

&gt;

&gt; 此 敬祝

&gt;

&gt; 商?

&gt;

&gt; 許珮君 PEI CHUN HSU

&gt; 工業技術研究院/技術移轉與服務中心/專利資訊與管理部

&gt; TEL:03-5917705

&gt; FAX:03-5820467

2009/8/28

> E-MAIL:lilishi1114@itri.org.tw

> =====

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File: 理律\_961002.xls >>

# EXHIBIT H

(Redacted due to Confidential Nature of the Report, only one page is shown)

**Appl No.:**

**09/107,072**

**Applicant:**

**Wu, Tzong-Ming et al.**

序號	單位	事務所	事務所代號	件編號	中文名稱	英文名稱	發明人	審查中(核駁/修正處理)	估價申請日期	申請案號
27	南分院	理律法律事務所	US-1735	044870041US	機械制動式氣密裝置	Mechanically actuated airtight device	吳宗明, 黃國洲	審查中(核駁/修正處理)	19980629	09/107,072
64	醫材	理律法律事務所	JP-4719	134900011JP	非侵入性藥物肝毒性監測儀器系統及其用途	Non-invasive apparatus system for monitoring drug hepatotoxicity and uses thereof	孫德銓	審查中	20031009	350654/2003
64	醫材	理律法律事務所	JP-4616	134900016JP	非侵入性自律神經系統監測儀器系統及其用途	Non-invasive apparatus system for monitoring autonomic nervous system and uses thereof	孫德銓, 郭博昭	審查中	20021129	348375/2002
54	材化	理律法律事務所	CN-8592	P02930069CNC1	電極材料和其電容器電極的製備方法	Composition and process of a supercapacitor electrode material	蔡慶龍, 閔俊國, 姚昕宏	審查中	20051230	200510133981.8
07	量測	理律法律事務所	CN6251	P07910035CN	電磁場感測元件及其裝置	A optical sensor for electromagnetic filed	黃卯生, 薛文崇, 曾文仁, 馮勁敏, 梁文烈	審查中(核駁/修正處理)	20031015	200310101350.9
07	量測	理律法律事務所	CN-6432	P07920035CN	光調制散射振子及其陣列	Optically modulated scatterer and an array thereof	梁文烈, 薛文崇, 黃銘杰	獲准	20040817	200410058231.4
07	量測	理律法律事務所	CN6434	P07920036CN	電磁信號感測系統	Electromagnetic signal sensing system	梁文烈, 薛文崇, 黃銘杰	審查中(核駁/修正處理)	20040817	200410058224.4
07	量測	理律法律事務所	CN6727	P07930004CN	便攜式黑體爐	Portable blackbody furnace	林俊宏, 陳朝敏, 許俊明, 戴惠美, 柯心怡, 林俊仁, 劉春媛	審查中(核駁/修正處理)	20041111	200410090981.X
07	量測	理律法律事務所	CN7047	P07930006CN	消除極化相關性之光譜量測裝置及其方法	Optical spectrum measuring apparatus of eliminating polarization dependence and method for the same	葉峻毅	審查中	20040914	200410074770.7



# EXHIBIT I

**Appl No.:** 09/107,072

**Applicant:** Wu, Tzong-Ming et al.

**Attorney Docket No.:** 18506-226

LDA [李春梅]

寄件者: daisywang [王懿融]  
寄件日期: 2007年11月1日星期四 19:41  
收件者: 'LiauhW001@Hawaii.rr.com'  
副本: cvchen [陳長文]  
主旨: Your Ref.: LE9802IT; Our File No.: I00210/US1735-SER  
附件: us1735- status inquiry .doc

☞ **PRIVILEGED AND CONFIDENTIAL** ☞

☞ **URGENT** ☞

**Please respond by 5 November 2007**

Please see attached file.

---

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2009/8/28

# EXHIBIT J

<b>Appl No.:</b>	<b>09/107,072</b>
<b>Applicant:</b>	<b>Wu, Tzong-Ming et al.</b>
<b>Attorney Docket No.:</b>	<b>18506-226</b>



理律法律事務所  
LEE AND LI  
ATTORNEYS-AT-LAW

1 November 2007

Our File No.: I00210/US1735-SER

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**BY E-MAIL AND FACSIMILE**

**E-Mail Add.:** LiauhW001@Hawaii.rr.com

**Fax:** + 808 373 8319

**To:** Dr. W. Wayne Liauh  
Law Office Of Liauh And Associates  
4224 Waiialae Avenue  
Suite 5-388  
Honolulu, Hi 96816  
U. S. A.

**From:** C. V. Chen/Daisy Wang (Coordinator)

☛ **URGENT** ☛

*Please respond by  
5 November 2007*

---

**Re: Industrial Technology Research Institute  
U.S. Patent Application No. 09/107,072  
Your Ref.: LE9802IT  
Our File No.: I00210/US1735-SER**

Dear Dr. Liauh:

With respect to the subject application, we have not yet received any updated report from you since the latest correspondence in May 2000. Please let us know the status of the subject application by 5 November 2007, so that we may report to our client.

We appreciate your prompt attention to this matter and look forward to hearing from you shortly.

Please acknowledge safe receipt of this correspondence by return e-mail.

Best regards,

C. V. Chen/Daisy Wang (Coordinator)  
Lee and Li, Attorneys-at-Law  
7F, No. 201, Tun Hua N. Road  
Taipei, Taiwan, R. O. C. 10508  
Tel: 886-2-2715-3300 ext. 2335  
Fax: 886-2-2718-8497  
E-mail: daisywang@leeandli.com  
CVC/ser/hks

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl No.: 09/107,072  
Applicant: Wu, Tzong-Ming et al.  
Filing Date: June 29, 1998  
Art Unit: 3627  
Examiner: Cliff Vaterlaus  
Attorney Docket No.: 18506-226

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION FOR

PETITION TO REVIVE BASED ON UNINTENTIONAL DELAY

under 37 C.F.R. § 1.137(b)

STATEMENT OF UNINTENTIONAL DELAY

I, Daisy Wang, hereby declare the following:

1. I am employed at the Law Firm of Lee & Li, handling patent related matters.
2. On November 1, 2007, Lee & Li contacted Mr. Liahn inquiring about the status of this application (Please see Exhibit I, and its attachment, herein labeled as Exhibit J. This e-mail was bounced back, as evidenced in Exhibit K).

I hereby declare that all statements made herein are true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Daisy Wang

Date: Aug 31, 2009